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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,965	12/27/2001	Steven R. Janda	8350.1722-00	1798

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EXAMINER	
RUHL, DENNIS WILLIAM	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,965	JANDA, STEVEN R.	
	Examiner	Art Unit	
	Dennis Ruhl	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 29-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25,29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/05 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19,22, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 19,22, upon further consideration the examiner has concluded that the term "GPS-based" is indefinite because it is not known what this means. What kind of sensor is being claimed? Reciting that the sensor is GPS based does not claim a GPS sensor and because any sensor could arguably be based on a GPS sensor the end structure that the sensor is supposed to have is not known. The scope of "GPS-based" is not known.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,5,7,13-23,29,30, are rejected under 35 U.S.C. 102(b) as being anticipated by Jagid et al. (WO 00/70530).

DR 9/10/05

For claims 1,13,14,16,20,21,23,29, Jagid discloses an automated rental vehicle return system. The claimed sensing of the ID of a customer is done when the customer is at the entrance gate and their ID is sensed. A computer (access controller) recognizes the customer ID and vehicle ID and uses this to effect security on return of the vehicle (allow access to the lot). Because Jagid discloses an entrance *gate*, the examiner considers it inherent that the gate must be opened (allowing access) upon sensing the customer ID; otherwise the vehicle could not be returned. The plurality of 2nd secure areas are the individual spaces for the cars themselves. The first secure area is the return lot itself. With respect to the limitation of "the one secure area being assigned to the customer", the examiner considers this to be present in Jagid. The customer who is returning a vehicle is supposed to return the vehicle to the "return area" of the lot and this satisfies the limitation of one of the areas being assigned to the customer. Jagid discloses the sensing of information (by using a sensor) from the vehicle so that a bill can be created for the customer. The sensing of information from the vehicle includes the fuel level, which is considered to be "maintenance information" because without fuel, the vehicle cannot operate. The fuel level must be maintained at

a positive level to allow operation of the vehicle. The final bill is then created based on how much fuel is needed to fill the tank. The bill is created by an "invoice component" as claimed, which can be interpreted to be a software routine that calculates the final bill.

In addition to that set forth immediately above, with respect to claim 1, the examiner wants to point out to applicant that the claimed use of a computer to provide access to the 1st and 2nd secure areas can be done in one step, such as is done in Jagid. The claim recites only one sensing ID step, so in view of this fact the examiner has interpreted this portion of the claim to read on the act of the customer ID being sensed in Jagid at the entrance gate and allowing access to the 1st and 2nd secure areas in that one sensing step.

For claim 5, the starting of a recording device is interpreted to be the printing out of a bill for the customer once their ID and vehicle information has been sensed. A printer that prints a bill is a recording device because it records the bill on paper for the customer. The predetermined amount of time is the amount of time it takes for the bill to print out.

For claim 7, if the customer decides to not return the vehicle once they get to the return area, nothing would stop them from renting the vehicle again and removing it from the 1st secure area as claimed. This "permitting" step is present in Jagid.

With respect to claim 15, the approved group is considered to be customers who are also renters who have in their possession a rented vehicle that they are attempting

to return. The lot contains vehicle which are available to the approved group of renters if so desired.

For claims 17,18,30, Jagid discloses that the vehicles that are taken from the lot are tracked and their identify is recorded by using sensors. This satisfies what is claimed.

For claims 19,22, as best understood by the examiner, Jagid discloses what is claimed. The examiner feels the scope of the term "GPS-based" is broad enough to read on the senor of Jagid. Claiming a "GPS-based" sensor is not necessarily the same as claiming a GPS sensor, so the term GPS-based is found to be broader in scope that just a GPS sensor.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagid et al. (WO 00/70530).

Not disclosed is the comparison of what was returned by the customer to a list of equipment for the customer and recording any differences or preventing the customer from leaving if what they returned does not match what was rented out. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

compare what is being returned to what was rented out to ensure that the rented out equipment is the same equipment that is being returned. You obviously want to make sure that the customer returns what was rented out. This is old and well known in the art. If it is found that the customer is returning an item that they are not listed as having rented out, it would have been obvious to one of ordinary skill in the art at the time the invention was made to record any difference between what was rented out and what was returned, as well as preventing the customer from leaving if they are not returning the correct equipment. In Jagid, if a customer rents an expensive luxury car and returns with an economical small car, one of ordinary skill in the art would find it obvious to record what equipment is missing that should have been returned, and to prevent the customer from leaving so that they can be questioned about where the luxury car is that they rented.

8. Claims 5,6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagid in view of Brown et al. (20020118111).

Jagid does not disclose that recording devices in the form of security cameras are started upon the sensing of the customer ID. Brown discloses that video cameras can be used to monitor a customer and the items they remove from a rental store. To do this the recording device must inherently be started when a customer is present in the store (after ID has been checked). Not disclosed is that the recording will stop after a predetermined amount of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Jagid with security cameras that

will record the customer as they return the vehicle as disclosed by Brown. The use of recording devices for purposes of security are old and well known and having the recording start when a customer is present is also obvious in the art. With respect to having the video camera stop recording after a predetermined amount of time has elapsed after the customer has exited the store, there is no need to record the area when nobody is there. The recording must stop at some point and having it stop after a predetermined amount of time has elapsed is considered obvious.

9. Claims 8-12,31,32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (20020118111).

For claim 8,10,31,32, Brown discloses a method of managing rental equipment as claimed. Brown discloses sensing the ID of a customer (see paragraphs 23,25), providing access based on identify sensed (see paragraph 25), secure area 110, and sensing the ID of equipment to be removed (see paragraph 21,22,23). Also see paragraph 29. A computer is used to sense the customer ID and also to sense the RF tag of the equipment. Brown discloses rental equipment as claimed. The access controller is 240. The equipment ID sensor is disclosed as the RF tags and associated hardware. The claimed limitation of using a computer to sense an identifier on the piece of equipment and to sense starting status information is satisfied by the fact that the computer senses the RF tag on the equipment being removed and the sensing of starting status information is taken as the sensing of the time of day the item was taken. Paragraph 29 discloses that the ingress and egress of objects in the secure area are

recorded (i.e. the date and time of equipment removal and return). With respect to the limitation of sensing return status information from the equipment when the customer returns the equipment, this is considered to be satisfied by the fact that in Brown the computer will again sense the RF tag and will then read the data on the tag. The data on the RF tag is taken to be the claimed return status information (can be the item serial number or items identifier). Not specifically disclosed is that the customer will be billed for the use of the equipment based on the starting status information and the return status information. Brown does disclose in paragraph 8 that a party may be billed for use (removal) of equipment from the secure area. Because Brown discloses that the invention has use in a rental store environment, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bill the customer for use of the rental equipment based on the starting status information (date and time of rental start) and based on the return status information (is the returned item and same item that was actually removed by the customer?). Clearly any rental store is going to bill the customer based on how long they rented the equipment and will also bill the customer for not returning the rented equipment. If the customer does not return the same piece of equipment that was rented, it would have been obvious to one of ordinary skill in the art to bill the customer for the non-returned equipment. This is old and well known in rentals.

For claim 9, when the customer is authorized to remove the item (equipment), they are allowed to leave as claimed.

For claims 11,12, Brown discloses that video cameras can be used to monitor the customer and the items they remove from the store. To do this the recording device must inherently be started when a customer is present in the store (after ID has been checked). Not disclosed is that the recording will stop after a predetermined amount of time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the video camera stop recording after a predetermined amount of time has elapsed after the customer has exited the store. There is no need to record the area when nobody is there. The recording must stop at some point and having it stop after a predetermined amount of time has elapsed is considered obvious.

For claim 32, Brown discloses that the sensors record what is returned in addition to what is removed.

10. Claims 24,25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (2002011811) in view of Muhme (5886634).

For claims 24,25, Brown discloses the invention substantially as claimed. Brown discloses a method of managing rental equipment as claimed. Brown discloses sensing the ID of a customer (see paragraphs 23,25), providing access based on identify sensed (see paragraph 25), secure area 110, and sensing the ID of equipment to be removed (see paragraph 21,22,23). Also see paragraph 29. A computer is used to sense the customer ID and also to sense the RF tag of the equipment. Brown discloses rental equipment as claimed. The equipment ID sensor is disclosed as the RF tags and associated hardware. The claimed limitation of using a computer to sense an identifier

on the piece of equipment and to sense starting status information is satisfied by the fact that the computer senses the RF tag on the equipment being removed and the sensing of starting status information is taken as the sensing of the time of day the item was taken. Paragraph 29 discloses that the ingress and egress of objects in the secure area are recorded (i.e. the date and time of equipment removal and return). With respect to the limitation of sensing return status information when the customer returns the equipment, this is considered to be satisfied by the sensing of the date of return of the equipment. The date of return is information about the use of the equipment because this indicates how long the equipment was out on rental.

Not specifically disclosed is that the customer will be billed for the use of the equipment based on the starting status information and the return status information. Brown does disclose in paragraph 8 that a party may be billed for use (removal) of equipment from the secure area. Because Brown discloses that the invention has use in a rental store environment, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bill the customer for use of the rental equipment based on the starting status information (date and time of rental start) and based on the return status information (date of return). Obviously any rental store is going to bill the customer based on how long they rented the equipment. This is old and well known in rentals.

Also, not disclosed is that the computer is directed to allow the customer to remove an item as claimed if the customer corresponds to the item being removed (or alternatively, that the customer is prevented from leaving if the item they are attempting

to remove does not match the list for that customer). Brown recognizes the situation where a customer is attempting to remove an item that they are not authorized to remove. Brown also recognizes that certain items can be reserved in advance (see paragraph 30). To reserve an item means that only the authorized person (the reserving person) is allowed to take the item that was reserved. Muhme discloses a system for tracking items and personnel where it is disclosed that if a person is not authorized to remove a particular item from a secure area, the exit may be locked to prevent their exiting with the unauthorized item. If they are authorized to remove the item they are allowed to leave. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the exiting of a customer with an authorized object. This would prevent a mistake from happening where a reserved item for rent is accidentally given to a customer who has not reserved that item. Brown recognizes that one may attempt to remove an item without authorization so to prevent exiting with the item when removal is not authorized is considered obvious and allowing them to leave with the correct item is also considered obvious.

11. Applicant's arguments filed 6/28/05 have been fully considered but they are not persuasive.

With respect to claims 8-12 and 24,25, and 31,32, the arguments are deemed moot based on the new grounds of rejection. The examiner has addressed the new

limitations added to the claims in the rejections of record and feels no further comments are necessary.

Applicant's arguments with respect to claims 1-7,13-15,16-23,29,30, have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DENNIS RUHL
PRIMARY EXAMINER